

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

BRET and MONICA DECKER, Individually  
and o/b/o JANE DOE, a minor,

Plaintiffs,

v.

SUMNER COUNTY BOARD OF EDUCATION  
and DONNA WEIDENBENNER Individually and  
in her official capacity as Special Needs Teacher  
of Station Camp Elementary School,

Defendants.

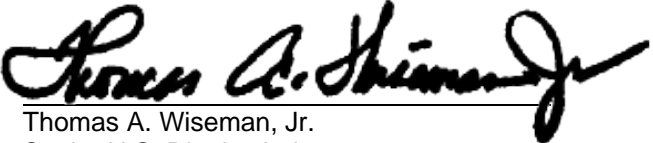
Civil Action No. 3:09-cv-1014

Judge Thomas A. Wiseman, Jr.  
Magistrate Judge Juliet E. Griffin

**ORDER**

Before the Court is defendant Sumner County Board of Education's Motion for Attorney Fees and Taxable Costs (Doc. No. 65), filed after Plaintiffs voluntarily elected to dismiss without prejudice the claims remaining in this case after the Court granted in part and denied in part defendants' motions to dismiss. The Board asserts that, as the prevailing party, it is entitled to attorneys' fees pursuant to both 42 U.S.C. § 1988 and 29 U.S.C. § 792a(b), under the standard enunciated by the Supreme Court in *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412 (1978). Specifically, the Board asserts that Plaintiffs' claims were "unreasonable, frivolous, meritless, or vexatious." (Doc. No. 68, at 4 (quoting *Christiansburg*, 434 U.S. at 421).) The Court finds that the Board is not entitled to attorneys' fees under this standard, as it was not clear from the outset that all of Plaintiffs' claims were utterly without foundation. The motion (Doc. No. 65) is therefore **DENIED**.

It is so **ORDERED**.

  
Thomas A. Wiseman, Jr.  
Senior U.S. District Judge